IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

GUSTAVO ROMANELLO and ACELA)	
ROMANELLO,	
Plaintiffs,	
ý	Case No. 5:12 CV 371-FL
v.)	
)	RAGSDALE LIGGETT, PLLC and
BANKUNITED, INC., TRUSTEE SERVICES)	ASHLEY H. CAMPBELL'S
OF CAROLINA, LLC, BROCK & SCOTT,)	MOTION TO DISMISS
PLLC, RAGSDALE LIGGETT, PLLC and)	SECOND AMENDED COMPLAINT
ASHLEY H. CAMPBELL,)	
)	
Defendants.	

NOW COMES Ragsdale Liggett PLLC ("Ragsdale") and Ashley H. Campbell ("Campbell"), by and through counsel, and respectfully move the Court to dismiss the Second Amended Complaint filed by Plaintiffs, Gustavo Romanello & Acela Romanello, ("Plaintiffs") pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted. In support thereof, Ragsdale and Campbell have provided a memorandum in support filed contemporaneously with this motion.

WHEREFORE, Ragsdale and Campbell move this Court to dismiss Plaintiffs' Second Amended complaint with prejudice and for such further relief that this Court deems just and appropriate.

This the 9th day of August, 2013.

MANNING FULTON & SKINNER, P.A.

By: /s/ J. Whitfield Gibson

Robert S. Shields Jr., Esq. NCSB #10034 J. Whitfield Gibson, NCSB #41261 3605 Glenwood Avenue, Suite 500 Raleigh, NC 27612

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Counsel for Ragsdale Liggett, PLLC and

Ashley H. Campbell

CERTIFICATE OF SERVICE

I hereby certify that on that copy of the foregoing RAGSDALE LIGGETT, PLLC AND ASHLEY H. CAMPBELL'S MOTION TO DISMISS SECOND AMENDED COMPLAINT was filed with the Clerk of Court using the CM/ECF System which will send notification of such filing to the following:

Gustavo Romanello Acella Romanello 5317 Cottage Bluff, Ln. Knightdale, NC 27545 *Pro Se Plaintiffs* Travis Emil Menk Brock and Scott, PLLC 5121 Parkway Plaza Blvd., Suite 300 Charlotte, NC 28217-1965 Telephone:704-643-0290 Fax:704-369-0760 Email: travis.menk@brockandscott.com

Counsel for Brock & Scott

Sean Partrick Yates McLamb & Weyher, L.L.P. 421 Fayetteville Street, Suite 1200 Raleigh, NC 27601 Counsel for BankUnited

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Counsel for Trustee Services of the Carolinas, LLC

This the 9th day of August, 2013.

MANNING FULTON & SKINNER, P.A.

By: /s/ J. Whitfield Gibson

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Ashley H. Campbell